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following goods are held within the rule: Poisonous drugs (*Norton v. Sewall,* 106 Mass. 143); naphtha (*Standard Oil Co. v. Wakefield,* 102 Va. 824); but not petroleum (*Standard Oil Co. v. Murphy,* 119 Fed. 572). There is a direct conflict as to whether steam appliances for generating power are within this rule, the main case being opposed by *Losee v. Clute,* 51 N. Y. 494; and by one other, *Heizer v. K. & D. Mfg. Co.,* 110 Mo. 605.

NEGLIGENCE—RES IPSA LOQUITUR—INJURY TO PERSON NEAR RAILROAD TRACK.—EATON v. N. Y. CENT. & H. R. R. Co., 109 N. Y. SUPP. 419. Plaintiff while at a railroad depot on business was injured. He testified that he stood on the platform six or eight feet from a passing freight train and that something extending from a car struck him. The railroad company claimed that plaintiff was struck by a part of the engine, while attempting to cross the tracks and did not offer any explanation of any swinging object extending from train. *Held,* if plaintiff was injured as he stood on the platform by something projecting from the train, jury might apply the rule of *res ipsa loquitur.* McLennan, P. J., and Kruse, J., *dissenting.*

The general rule is that before the doctrine of *res ipsa loquitur* can be applied and the burden of proof thrown on the carrier, it must first be shown that the injury complained of resulted from the breaking of machinery, collision, derailment of cars, or something improper in the conduct of the carrier's business. *Thomas v. Philadelphia, etc., R. R. Co.,* 148 Pa. St. 180; *Hawkins v. Front St. Cable Ry. Co.,* 3 Wash. 592. Thus, where the accident causing the injury is connected with apparatus wholly under the control of the carrier (*Miller v. Ocean S. S. Co.,* 118 N. Y. 199), as the falling of a gangway (*Eagle Packet Co. v. Defries,* 94 Ill. 598), or the breaking of a paddle wheel (*Yerkes v. Keokuk N. L. Packet Co.,* 7 Mo. App. 265); it is well settled that there is a presumption of negligence on part of the carrier. On the other hand, it is equally well settled that the mere breaking of a passenger's leg (*Penn. R. Co. v. McKinney,* 124 Pa. 462), or a rock falling upon a passenger while the train is going through a cut (*Fleming v. Pittsburgh, etc., Ry. Co.,* 158 Pa. St. 130), raises no such presumption, and in such cases negligence must be proved by the plaintiff. *Baltimore & O. R. Co. v. State, Savington,* 71 Md. 599. Between these cases, there are those, like the principal case, on the border-line. Thus, it has been held, that the mere fact that cinders fell from defendant's locomotive and injured plaintiff's eye raised no presumption of negligence. *Searles v. Manhattan R. Co.,* 101 N. Y. 661. But *contra, Lowery v. Manhattan R. R. Co.,* 99 N. Y. 158.